

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT ANTHONY STONE,

Petitioner,

v.

Case No. 12-cv-10289-DT

JOHN PRESLENIK,

Respondent.

/

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

This matter is before the court on Petitioner Robert Stone's Petition for Writ of Habeas Corpus [Dkt #1] and Motion to hold his Petition in Abeyance. [Dkt #4]. The case was referred to United States Magistrate Judge Paul J. Komives pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72.1(b)(2).

The magistrate judge issued his report on November 20, 2012, recommending that this court deny Petitioner's Petition for Writ of Habeas Corpus, Deny a Certificate of Appealability and deny the Motion to hold his Petition in Abeyance. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C), thus further appeal rights are waived. In addition, the failure to object to the magistrate judge's report releases the court from its duty to review independently the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Therefore,

IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, the Petitioner's Application for Writ of Habeas Corpus [Dkt#1] is

DENIED and the Petitioner's Motion to hold the petition in abeyance and a Certificate of Appealability are **DENIED**.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: December 19, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 19, 2012, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522